

REMARKS/ARGUMENTS

Reconsideration of this application, as presently amended, is respectfully requested. The present amendment adds no new matter to the application, does not raise new issues and does not require a further search. Since the amendment merely adopts the Examiner's suggestion to conform the pending claims to the allowable subject matter encompassed by Claim 22, Applicant respectfully asks that this amendment, albeit after a final rejection, be entered in the record and considered by the Examiner in a favorable light.

After entry, Claims 6, 11, 15-20 and 22 are pending; and Claims 1-5, 7-10, 12-14 and 21 are canceled. Claims 11 and 15-18 are withdrawn from further consideration as being drawn to a non-elected invention but remain in the case with all of the limitations included in the product claims to receive the benefit of rejoinder when the product claims are allowed.

The Examiner's rejection of Claims 7 and 21 under 35 U.S.C. § 112, second paragraph, is rendered moot in view of the present cancellation of the two claims.

The Examiner rejects Claims 1-6, 8-10 and 19-20 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement for reasons given on pages 4-8 of the Office action. In response, Claims 1-5 and 8-10 are canceled; and Claims 6, 19 and 20 are amended to require the cell line deposited at the ATCC (PTA-4837) or a clone thereof in the practice of the claimed invention in accord with the teachings in the specification. As a consequence of the amendment, Applicant respectfully requests that the rejection of pending Claims 6, 19 and 20 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner rejects Claims 1-10 and 19-21 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement for reasons set forth on pages 8-11 of the Office action. To respond in large part, Claims 1-5, 7-10 and 21 are canceled; and Claims 6, 19 and 20 are amended to require the cell line deposited at the ATCC (PTA-4837) or a clone thereof in the practice of the claimed invention in accord with the teachings in the specification.

Insofar as the deposit of the monoclonal antibody is concerned, Applicant respectfully disagrees with the Examiner that one of ordinary skill in the art would not obtain the claim-recited monoclonal antibody from the deposited hybridoma cell line (or a clone thereof). The monoclonal antibody of the present invention is specific for inactivated FIV and forms a strong

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interaction with an epitope unique to an inactivated FIV envelope glycoprotein, to the exclusion and non-recognition of live FIV. The hybridoma cell line of the invention is screened for specific reactivity with inactivated FIV but has no reaction with or recognition of live FIV. Through routine screening methods, the practitioner is able to find and isolate the monoclonal antibody designated mAb 1D9 that possesses the characteristics described in the specification, namely, wherein the monoclonal antibody specifically reacts with or recognizes the epitope of the inactivated FIV or inactivated FIV glycoprotein but does not react with or recognize live FIV or live FIV glycoprotein. It is a straight forward process to isolate or clone the monoclonal antibody produced by the hybridoma cell line having the desired characteristics taught in the application. Without any doubt, once the deposited starting material is in hand, it is clear the monoclonal antibody can be readily obtained without undue experimentation. Thus, the deposit of the monoclonal antibody should not be required for patentability.

In view of the foregoing remarks and the amendment, Applicant respectfully requests that the rejection of Claims 6, 19 and 20 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner sustains the rejection of Claims 19-21 under 35 U.S.C. § 102(b) as being allegedly anticipated by O'Connor *et al.* for reasons given on pages 11 and 12 of the action. In response, Claim 19 is amended to require that the deposited hybridoma cell line or a clone thereof. Claim 21 has been canceled. In view of the amendment, Applicant respectfully asks that the rejection of pending Claims 19 and 20 under 35 U.S.C. § 102(b) be withdrawn.

Applicant gratefully acknowledges that the Examiner has allowed Claim 22. If any outstanding issue remains, the Examiner is invited to contact the undersigned attorney for a discussion of mutually agreeable solutions.

Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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